

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

BERRY CONTRACTING, LP D/B/A	§	
BAY, LTD.	§	CIVIL ACTION NO. C-08-312
Plaintiff,	§	
	§	Admiralty Fed. R. Civ. P. 9(h)
V.	§	
M/V ARIES SWAN, its engines, tackle, etc., <i>in rem</i>	§	
Defendant.	§	

PLAINTIFF'S RULE 26(A)(1) INITIAL DISCLOSURES

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff Berry Contracting, LP d/b/a Bay, Ltd. ("Berry Contracting"), and files this its Rule 26(a)(1) Initial Disclosures pursuant to FED. R. CIV. P. § 26(a), as follows:

I.

(A) The name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.

See attached Exhibit "A".

(B) A copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment.

Photographs attached to Plaintiff's Original Verified Complaint (subsequently bates labeled 00001 to 00003);

Energy Sea & Land Projects, Inc.'s Purchase Order attached to Additional Evidence in Support of Plaintiff's Original Verified Complaint (subsequently bates labeled 00004 to 00005);

Energy Sea & Land Projects, Inc.'s Purchase Order, Rev. 2 attached to Additional Evidence in Support of Plaintiff's Original Verified Complaint (subsequently bates labeled 00006 to 00007);

Energy Sea & Land Projects, Inc.'s Purchase Order, Rev. 3 attached to Plaintiff's Original Verified Complaint (subsequently bates labeled 00008 to 00039);

Energy Sea & Land Projects, Inc.'s Purchase Order, Rev. 3 attached to Additional Evidence in Support of Plaintiff's Original Verified Complaint (subsequently bates labeled 00040 to 00041);

Attached summary of amounts owed as of 10/23/08 (bates labeled 00042). Invoices listed in the above summary (bates labeled 00043 to 04368). These invoices will be made available for inspection and copying at the offices of Royston, Rayzor, Vickery & Williams, L.L.P. at a time mutually convenient to all counsel or alternatively arrangements can be made to duplicate them and ship them to requesting party at its own expense.

(C) A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

See attached summary of invoices owed. In addition, *custodia legis* expenses, court costs, and prejudgment and post judgment interest as provided by law.

(D) For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Not applicable.

Respectfully submitted,

/s/Jack C. Partridge

Jack C. Partridge, Attorney in Charge
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**ATTORNEYS FOR PLAINTIFF,
BERRY CONTRACTING, LP D/B/A BAY, LTD.**

OF COUNSEL:

ROYSTON, RAYZOR, VICKERY & WILLIAMS, L.L.P.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was sent to the below listed counsel of record as indicated below on this the 30th day of **October, 2008**.

**VIA ELECTRONIC SERVICE AND
VIA FACSIMILE 713-626-1388**

Thomas R. Nork
Patricia Hair
Andrew A. Woellner
Phelps Dunbar LLP
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**VIA ELECTRONIC SERVICE AND
VIA FACSIMILE 713-276-5555**

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1000 Louisiana, Suite 3400
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/s/Jack C. Partridge
Of Royston, Rayzor, Vickery & Williams, L.L.P.

EXHIBIT "A"

Per-Ivar Fagervoll
Aries Supply 1 KS
Aries Marine
Aries Offshore
Moloveien 3B
6004 Alesund
Norway
Phone number unknown
c/o John Pearson
Gardere Wynne Sewell LLP
1000 Louisiana, Suite 3400
Houston, Texas 77002-5011
Have knowledge as to Plaintiff's claims.

Jose Molina
Dean Rojas
Energy Sea & Land Projects, Inc.
14800 St. Mary's Lane, Ste. 120
Houston, TX 77079
281-531-7942
Have knowledge as to Plaintiff's claims.

Joe Pena
Jeff Pape
Neil Kendrick, Project Manager
EXPRO
Expro Americas, LLC
738 Hwy 6 South, Ste. 500
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713-463-9776
Have knowledge as to Plaintiff's claims.

Crossmar
Brian Saucier
Address and phone number unknown
May have knowledge as to Plaintiff's claims.

Berry Contracting, LP d/b/a Bay Ltd.
Ken Luhan, President
Randy Feikls, Vice President
Brian Martin, Project Manager
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Plaintiff